



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,910	02/12/2001	Michael J. Detlef	KLR 7146.062	3200

47915 7590 06/10/2005

CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP
1600 ODS TOWER
601 SW SECOND AVENUE
PORTLAND, OR 97204

EXAMINER

WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,910

Applicant(s)

DETLEF, MICHAEL J.

Examiner

Stephan F. Willett

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

ND

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 7, 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 states (e) "providing said content to ... and said recipient" is unclear since content is provided to either the device or the recipient. Claim 7 states "identifies at plurality" is unclear. Claim 10 states "said indicates" is unclear.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-6, 9, 11-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Lazaridis et al. with Patent Number 6,463,464.

5. Regarding claim(s) 1, Lazaridis teaches data transfer to a 3rd device. Lazaridis teaches registering or configuring a recipient/user and at least a device/mobile, col. 6, lines 63-67 with a server as and "where the redirector software is operating at the server", col. 9, lines 27-30 and

Art Unit: 2142

said server providing an ID for the device and recipient, col. 11, lines 8-9. Lazaridis teaches providing a identifier for a recipient as “user profile”, col. 9, line 42 and a device as a FAX, col. 6, lines 17-20, 38-40 to a content provider or redirector software, col. 5, lines 48-49 which is separate from the server that stores the “user data”, col. 9, lines 53-56. Lazaridis teaches identifying desirable content, col. 7, lines 15-18 and providing the content provider with the ID, col. 11, lines 8-9. Lazaridis teaches the content provider providing the content to the server, col. 7, lines 58-59 that is free or independent of the server or “gateway” requesting the content, col. 8, lines 45-45, 53-55 wherein the components of the LAN or WAN are acting in a server role. Lazaridis teaches said server providing the content to the device, col. 8, lines 39-43 and recipient, col. 8, lines 4-5.

6. Regarding claim(s) 2-4, Lazaridis teaches registering protocols, col. 10, lines 63-65 and access techniques as types of devices, col. 7, lines 64-67.

7. Regarding claim(s) 5, Lazaridis teaches recipient/user identifier as a “particular user”, col. 9, lines 43-44.

8. Regarding claim(s) 6, Lazaridis teaches a device identifier as “voice number”, col. 8, lines 3-4.

9. Regarding claim(s) 9, Lazaridis teaches the recipient indicating desired content, col. 8, lines 10-13.

10. Regarding claim(s) 11-12, Lazaridis teaches said server providing the content to the device, col. 8, lines 39-43 and recipient, col. 8, lines 4-5.

11. Regarding claim(s) 13, Lazaridis teaches Internet connections, col. 4, lines 43-44.

12. Regarding claim(s) 14, Lazaridis teaches a pager, col. 18, line 22.

Art Unit: 2142

13. Regarding claim(s) 15, Lazaridis teaches a fax, col. 8, lines 2-5.
14. Regarding claim(s) 16, Lazaridis teaches a mobile device, col. 5, line 47.
15. Regarding claim(s) 17, Lazaridis teaches a phone, col. 6, line 40.
16. Regarding claim(s) 18, Lazaridis teaches an email, col. 7, line 1.
17. Regarding claim(s) 19-20, 26, Lazaridis teaches associating a user profile with an identifier, col. 9, lines 41-43 and providing the profile to the server, col. 9, lines 48-58.
18. Regarding claim(s) 21-23, Lazaridis teaches providing content from a plurality of content providers, col. 7, lines 1-10.
19. Regarding claim(s) 24-25, Lazaridis teaches formatting or repacking content suitable for the device, col. 8, lines 47-53 in a plurality of formats or types, col. 10, lines 23-28; col. 12, lines 9-13.
20. Regarding claim(s) 27, 29-30, Lazaridis teaches user profile preferences such a time, periods of time, days, schedules, col. 11, lines 40-41, 62-63.
21. Regarding claim(s) 28, Lazaridis teaches size of message restrictions, col. 13, lines 33-35.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis et al. with Patent Number 6,463,464.

24. Regarding claim 8, the Lazaridis patent discloses the method of the preceding claims. The Lazaridis patent does not explicitly disclose the server providing the identifier or name of registered device. However, Official Notice is taken MPEP 2144.03 (a)) that either the client or server can provide the identifier of a device is well known in the art to insure versatility. It would have been obvious to one of ordinary skill in the art at the time of the application's invention for either the client or server to name the device to obtain the advantages of a flexible architecture. Therefore, by the above rational, the above claims are rejected.

Response to Amendment

1. The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected.

2. The limited structure claimed, without more functional language, reads on the references provided. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

3. Applicant's arguments with regard to the 112 rejection fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the cited portions of the references and relevant portions of the reference.

4. Applicant suggests "the same identifier for the server and a separate content provider", Paper Filed 4/6/05, Page 7, lines 25-26 is not suggested. The roles of content provider and server

Art Unit: 2142

can vary and change depending on the service provided as illustrated by the rejection above. In any event, claim 1 states (a) "an identifier identifying at least one of said recipient and said at least one device", not a server or content provider ID. Also, the same ID or address, col. 7, lines 64-65 is used by the server and content provider or redirector. Arguably, the content provider also reads on the sender of information or server as taught in Lazaridis or as in legacy systems where a sender may be forwarded a redirection ID or address. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested. A close review of the Owens reference with Patent Number 6,633,630 is suggested. The other references cited teach numerous other ways to perform independent forwarding of content to diverse device types, thus a close review of them is suggested.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

6. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2142

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571) 272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.


8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

26.

sfw

June 6, 2005


KAMINI SHAH
PRIMARY EXAMINER